

Notice of Allowability

Application No.

09/461,265

Examiner

Charles Goodman

Applicant(s)

MASON, NEIL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed on 31 August 2004.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 11/28/00 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHARLES GOODMAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest the arrangement for clamping a saw blade as claimed in claim 1 and the reciprocating saw as claimed in claim 15. The closest prior art, Vannuvel (BE 440,668), teaches a clamping arrangement for a hand held saw comprising many of the claimed elements as noted in the last Office Action. However, orienting of the saw blade occurs by loosening of the wing nuts (8) to thereby allow the notches on the back end of the blade to be angularly oriented on the fixed engaging members (7), the combination of the nut (8) and the posts (7) reading on the claimed "retaining member." In contrast, claim 1 requires that rotation of the retaining member also facilitates rotation of the engaging member. Vannuvel lacks such a configuration. Another related prior art, Boyd, Jr. et al (US 5,092,045), teaches a multi-position knife that may be locked into various angular positions wherein the retaining member and engaging member (shown in Figs. 6, 7, and 9) appears to be rotatable to lock the blade in angular positions. Boyd Jr. et al may broadly teach rotatable retaining and engaging members, but it is the Examiner's opinion that one of ordinary skill in the art would not be motivated to apply the teachings of Boyd Jr. et al to Vannuvel. Due to the simple design of the clamping arrangement in Vannuvel, it would destroy the teachings of Vannuvel to substitute the the push button, rotating clamping arrangement of Boyd Jr. et al for nut clamping arrangement of Vannuvel. Even if it may be argued that modification would be obvious, it is the Examiner's opinion that such reasoning would be based upon improper hindsight reasoning wherein the motivation to combine would stem from Applicant's

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disclosure rather than the teachings of the references and knowledge of the ordinary artisan. Another closely related prior art, Schmitz (US 6,138,364), teaches a variable angle reciprocating tool, i.e. saw, wherein the nosepiece (e.g. 50) containing the reciprocating shaft (56) and the blade is rotatable to position the saw at various angular positions. Although Schmitz may broadly teach a retaining member and a corresponding engaging member to be rotatable together, Schmitz's arrangement does not meet the limitations of the tool shaft wherein one end is for coupling to a motor and the other end includes the broad retaining member. In Schmitz, the retaining member is located near reference (58) in Fig. 1. Thus, Schmitz neither anticipates claim 1 nor does Schmitz provide a teaching, motivation or suggestion to modify Vannuvel with the claimed retaining member and engaging member. Moreover, even if Schmitz may be arguably combinable, Schmitz fails the test for obviousness for substantially the same reasons outlined supra with respect to Boyd Jr. et al in that the disparity in design would destroy the teachings of Vannuvel and it would be construed as improper hindsight reasoning.

With respect to claim 15, none of the prior art of record fairly anticipates, teach, or suggest the blade claimed blade mount arrangement.

Thus for the reasons stated above, it is believed that the claimed invention with the lacking features in combination with all the other recited elements are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.

cg 
September 28, 2004


Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINER